

ORDINANCE NO. 33-93

AN ORDINANCE OF THE TOWN OF JUPITER, FLORIDA, THE STORMWATER CONTROL ORDINANCE; PROVIDING FOR PURPOSES AND DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR NPDES PERMITS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Federal Clean Water Act (33 U.S.C. 1251 at sec.), as implemented by regulations of the U.S. Environmental Protection Agency adopted November 16, 1990 (40 CFR Part 122), make necessary the adoption of local ordinance provisions relating to the Stormwater System;

WHEREAS, the Town is seeking to comply with all provisions of federal and state law; and

WHEREAS, the Town Council has conducted legally noticed public hearings and has provided all interested parties an opportunity to be heard on these ordinance provisions.

NOW THEREFORE, be it ordained by the Town Council of the Town of Jupiter, Florida:

ARTICLE 1.0

The purpose of this ordinance is to promote the health, safety

and general welfare of the inhabitants of the Town of Jupiter by complying with and implementing federal and state law and regulations regarding water quality.

Definitions

- (a) Authorized Official: any employee or agent of the Town authorized to administer or enforce the provisions of this ordinance.
- (b) Director: the Director of Public Service.
- (c) Discharge: any direct or indirect entry of any solid, liquid or gaseous matter.
- (d) Person: any natural individual, corporation, partnership, institution, or other entity.
- (e) Site of Industrial Activity: any area or facility used for manufacturing, processing or raw material storage, as defined under 40 CFR Section 122.26(a)(14) of regulations of the U.S. Environmental Protection Agency, as amended.
- (f) Stormwater: any stormwater runoff, and surface runoff and drainage.
- (g) Stormwater System: the system of conveyances used for collecting, storing, and transporting Stormwater owned by the Town or outfalling into public waters, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

ARTICLE 2.0 PROHIBITIONS

Section 2.1 General Prohibitions. Any discharge in the stormwater system of the Town of Jupiter in violation of any federal, state, county, municipal or other law, rule, regulation or permit is prohibited. Except as set forth under Section 2.4 of this ordinance or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.

Section 2.2 Industrial Pollutant Prohibitions. By adoption of

industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the Town may establish reasonable limitations as to the quality of stormwater (including without limitation the designation of maximum levels of pollutants) discharged into the stormwater system from sites of industrial activity. Any promulgation of such regulations and issuance of permits by the Town shall be in accordance with applicable law and shall implement the goals, objectives and policies of the Town's Comprehensive Plan.

Section 2.3. Stormwater Discharge Prohibitions. Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.

Section 2.4 Authorized Exceptions. Unless the director determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth under Section 2.1 of this ordinance: flows from fire fighting, water line flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, direct infiltration to the stormwater system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, and dechlorinated swimming pool contributions.

Section 2.5 Illicit Connections. No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this ordinance. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

ARTICLE 3.0 NPDES PERMITS

Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the director no later than the later of: sixty (60) calendar days after the effective date of this ordinance or sixty (60) calendar days after issuance.

ILLICIT DISCHARGES

ARTICLE 4.0 ENFORCEMENT

Section 4.1 Enforcement Actions. The Town may take all actions necessary, including the issuance of notices of violation through its Codes of Enforcement Board, or by filing any appropriate court or administrative actions to enforce compliance with the provisions of this ordinance and with any regulation or permit issued hereunder.

Section 4.2 Continuing Violation. A person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this ordinance, or of any regulation or permit issued hereunder.

Section 4.3 Cease and Desist Orders. Pursuant to Town Code, an authorized official of the Town may order any person to immediately cease and desist discharges or any connection to the stormwater system determined by the director or other authorized officials of the Town to be in violation of this ordinance, or any regulation or permit issued hereunder.

ARTICLE 5.0 SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this ordinance.

ARTICLE 6.0 CODIFICATION

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the Town of Jupiter, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

ARTICLE 7.0 EFFECTIVE DATE

The provisions of this ordinance shall take effect immediately upon its adoption.

Upon first reading this 6th day of APRIL, 1993, the foregoing Ordinance was offered by Councilor DANIEL J. AMERO, who moved its adoption. The motion was seconded by Councilor DONALD D. DANIELS, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	<u>✓</u>	<u>—</u>
VICE-MAYOR THOMAS J. MCCARTHY	<u>✓</u>	<u>—</u>
COUNCILOR BARBARA P. HENDERSON	<u>✓</u>	<u>—</u>
COUNCILOR DANIEL J. AMERO	<u>✓</u>	<u>—</u>
COUNCILOR DONALD D. DANIELS	<u>✓</u>	<u>—</u>

Upon second reading this 20th day of APRIL, 1993, the foregoing Ordinance was offered by Councilor BARBARA P. HENDERSON, who moved its adoption. The motion was seconded by Councilor DANIEL J. AMERO, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	<u>—</u>	<u>ABSENT</u>
VICE-MAYOR THOMAS J. MCCARTHY	<u>✓</u>	<u>—</u>
COUNCILOR BARBARA P. HENDERSON	<u>✓</u>	<u>—</u>
COUNCILOR DANIEL J. AMERO	<u>✓</u>	<u>—</u>
COUNCILOR DONALD D. DANIELS	<u>✓</u>	<u>—</u>

The Mayor thereupon declared the foregoing Ordinance duly passed and adopted this 20th day of APRIL, 1993.

TOWN OF JUPITER, FLORIDA

ATTEST:

Sally M. Boylan
SALLY M. BOYLAN
TOWN CLERK

BY:

Karen J. Golonka
KAREN J. GOLONKA
MAYOR

(TOWN SEAL)

Thomas J. Baird
THOMAS J. BAIRD, Esq.
Approved as to form and
legal sufficiency